FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE

Crim. Writ Petition No. 945 of 2006

Smt.Kamal Gajanan Dhuri ..Petitioner
vs.
The State and ors. ..Respondents

Office NOtes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's order

Court or Judge's Order

Shri Prakash H.More for petitioner.
Smt.A.S.Pai, A.P.P. for respondent State.

CORAM:S.B.MHASE &
S.R.SATHE JJ.
23rd November, 2006.

P.C.

1. Heard the learned Counsel.

2. The grievance of the petitioner was that death of her son is due to murder and the police are not properly investigating. Such complaint was made for the first time after a period of one year after the dead body was recovered. The dead body of the deceased son of the petitioner was found in front/in the tadi shop. The police registered the A.D.for the purpose of cause of death. The post mortem was carried out. Initially since there was no injuries on the person. Viscera

was taken and after getting the report from the C.A. Final cause of death has been given and according to that the cause of death is due to aspiration pneumanitis under the influence of Ethyl alcohol. Even the C.A. report points out that in liver and kidney 164.46 mili grams per hundred grams and 54.45 miligrams Ethyl Alcohol per 100 gm. was found. So far as the blood sample is concerned it does not reveal any poison including Ethyl Alcohol. However, this concludes the fact that the deceased had consumed liquor and as a result of consumption of liquor there was aspiration pneumanitis and, therefore, the death was caused. However, since suspicion was expressed and certain names were given by the petitioner as persons who witnessed the incident the police examined out of them 9 witnesses along with the petitioner and father of the petitioner. Thereafter report has been submitted that the death was caused not as a result of murder.

Therefore, it cannot be said that it was a homicidal death but it was a death caused

due to consumption of excess liquor. Under these circumstances, we find that proper enquiry has been conducted and there is no offence revealed and A.D.has been properly registered and investigated. Petition is, therefore, rejected.

(S.R.SATHE J.) (S.B.MHASE J.)